

The Special Administrative Law Judge awarded benefits for injury to claimant's right arm, an injury the respondent admits. Claimant contends he also suffered a left upper extremity injury and requests benefits for an unscheduled injury and work disability.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the Award of the Special Administrative Law Judge should be affirmed. Claimant suffered a single traumatic injury to his right upper extremity on June 12, 1995, while nailing sheetrock into concrete. He notified his employer of an injury to his right arm, Claimant sought medical treatment for his right arm and was taken off work. He has not returned to work for respondent since this injury. The Appeals Board finds, as did the Special Administrative Law Judge, that claimant sustained accidental injury for a 7 percent permanent partial disability to his right arm, based upon the functional impairment. The Appeals Board so finds for the reasons stated in the findings by the Special Administrative Law Judge which are hereby adopted by the Appeals Board as its own.

AWARD

WHEREFORE, the Appeals Board finds that the Award of the Special Administrative Law Judge William F. Morrissey, dated December 12, 1996, should be, and the same is hereby, affirmed.

WHEREFORE, AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Josef D. Osborn, and against the respondent, Dynamic Drywall, and its insurance carrier, Travelers Insurance Company, for an accidental injury which occurred June 12, 1995, and based upon an average weekly wage of \$433.50 for 17 weeks of temporary total disability compensation at the rate of \$289.01 per week in the sum of \$4,913.17 and 13.51 weeks of permanent partial disability compensation at the rate of \$289.01 per week in the sum of \$3,904.53 making a total award of \$8,817.70, for a 7 percent permanent partial impairment of function to the right arm.

As of December 12, 1996, all compensation is past due and owing and is ordered paid in one lump sum less compensation heretofore paid.

Future medical benefits will be awarded only upon proper application to and approval of the director.

The Appeals Board adopts and affirms the award of attorney's fees and assessment of costs as stated in the Award.

IT IS SO ORDERED.

Dated this ____ day of May 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dale V. Slape, Wichita, KS
William L. Townsley, III, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director